

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

MEDGRAPH, INC.,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

6:09-cv-06610-DGL-MWP

**DEFENDANT MEDTRONIC,
INC.'S MOTION TO SEAL**

PLEASE TAKE NOTICE, that Defendant Medtronic, Inc., by its undersigned attorneys, will move this Court before the Hon. Marian W. Payson, United States Magistrate Judge, at the United States Courthouse, 100 State Street, Rochester, New York, at a time and date set by the Court or any adjourned dates, pursuant to Rule 5.4 of the United States District Court for the Western District of New York, seeking an order directing that certain documents designated as confidential by defendant and submitted in support of Defendant's motion to compel be placed under seal.

PLEASE TAKE FURTHER NOTICE that the motion is based upon the declaration of Wayne Barsky in support of Medtronic's Motion to Seal, executed on January 10, 2011.

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PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1) Defendant intends to file and serve Reply papers.

DATED: January 10, 2011

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Wayne M. Barsky
Wayne M. Barsky

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